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OPULENT TREASURES, INC.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

YA YA CREATIONS, INC.,

Plaintiff,

v.

OPULENT TREASURES, INC.,

Defendant.

OPULENT TREASURES, INC.,

Plaintiff,

v.

YA YA LOGISTICS, INC.,

Defendant.

Case No. 2:22-cv-06137-SSS-JC

[Consolidated with No. 23-04292]

**DECLARATION OF JOHN J.
KUCERA IN SUPPORT OF
MOTION TO AMEND
DECLARATION AND PROPOSED
ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL**

DECLARATION IN SUPPORT OF MOTION TO AMEND DECLARATION AND PROPOSED
ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL

1 I, John J. Kucera, declare as follows:

2 1. I am a partner with BOIES SCHILLER FLEXNER LLP (“BSF”), and
3 my firm represents Opulent Treasures, Inc. (“Opulent”) in this matter. I make this
4 declaration in support of BSF’s Motion to Amend Declaration and Proposed Order
5 Granting Motion to Withdraw as Counsel.

6 2. On August 29, 2022, a complaint was filed that initiated this matter
7 between Opulent and Ya Ya Logistics, Inc. (“Ya Ya”). (ECF No. 1). On June 21,
8 2023, Opulent entered into an engagement agreement with BSF to represent Opulent
9 in this matter, and on July 28, 2023, BSF made its first appearance as attorneys of
10 record for Opulent (ECF No. 49, 50, and 51).

11 3. Since first appearing, BSF has represented Opulent in various hearings
12 and motions, including summary judgment motions (both affirmative and
13 defensive). (ECF Nos. 53, 59, 65, 71, 72, 87, and 88). At present, trial in this case
14 is set to begin on September 23, 2024. (ECF No. 57)

15 4. On July 10, 2024, Opulent and Ya Ya engaged in mediation before the
16 Honorable Frederick F. Mumm, United States Magistrate Judge (Ret.), but that
17 mediation did not result in a resolution of this case. (ECF No. 57).

18 5. On July 16, 2024, counsel for Ya Ya contacted BSF to request that
19 Opulent stipulate to request a continuance of the trial to a date in December 2024.

20 6. Following Ya Ya’s request to stipulate to continue the trial date, and
21 notwithstanding the unsuccessful mediation, the parties resumed settlement
22 discussions. Thereafter, following negotiations, on August 9, 2024, the parties filed
23 a “Joint Status Report on Settlement” and notified the Court that the parties had
24 reached an agreement in principle. (ECF No. 113).

25 7. After filing the Joint Status Report on Settlement, a conflict arose
26 between BSF and Opulent, and BSF advised Opulent of such conflict.

27 8. After consulting with attorneys within BSF regarding the nature of the
28

1 conflict and whether such conflict could be waived, BSF concluded that the nature
2 of the conflict mandated that BSF withdraw from representing Opulent pursuant to
3 the relevant California Rules of Professional Conduct (the “California Ethics
4 Rules”).

5 9. Thereafter, BSF advised Opulent of its conclusion that the California
6 Ethics Rules mandated that BSF withdraw from representing Opulent.

7 10. Following this, in order to confirm BSF’s conclusion that the California
8 Ethics Rules mandate that BSF withdraw from representing Opulent, BSF consulted
9 with the California State Bar “Ethics Hotline” and engaged in a preliminary
10 consultation with independent outside ethics counsel.

11 11. Prior to BSF informing Opulent of its intent to withdraw, BSF took
12 steps to avoid or minimize any prejudice to Opulent and Ya Ya. On September 3,
13 2024, BSF advised counsel for Ya Ya Logistics, of BSF’s intent to move to
14 withdraw.

15
16 Executed on October 9, 2024, at Los Angeles, California.

17
18 /s/ John J. Kucera
19 John J. Kucera